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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,948

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Thomas Nissl

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EXAMINER

SHIPMON, TIFFANY P

ART UNIT

PAPER NUMBER

3738

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,948	<b>Applicant(s)</b> NISSL ET AL.	
	<b>Examiner</b> TIFFANY SHIPMON	<b>Art Unit</b> 3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/30/2006,6/7/2007,7/14/2008,7/8/2009.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Giantureo et al. (US Patent No. 5,035,706). Referring to claim 1, Giantureo et al. discloses a stent (10) with a tubular support frame consisting of axially successively following, interconnected annular segments (Fig. 6), wherein said support frame is surrounded on its outside by a thread (40), wherein the thread ends (56) are guided via a deflection from the outside into the support frame, where they are coupled by a connector (70).

3. Referring to claims 2-3, Giantureo et al. discloses wherein the deflection is realized at least one deflection element (20) provided on an annular segment and wherein the deflection is formed by two deflection elements arranged on the circumference of the support frame with an interval from one another (Fig. 3).

4. Referring to claim 4, Giantureo et al. discloses, wherein the deflection is provided on an end-side annular segment, viewed in the direction of the longitudinal axis of the stent discloses wherein the deflection is arranged on an inner side, facing the middle of the stent, of the annular segment (Fig. 5), wherein the deflection is formed by two deflection elements of which a first deflection element is arranged on an inner side (see

Art Unit: 3738

right side of stent segment 10' of Fig. 5), facing the middle of the stent, of an annular segment and that the second deflection element is arranged on an outer side of the annular segment(see left side of stent segment 10' of Fig. 5).

5. Referring to claim 7, Giantureo et al. discloses, wherein the deflection is formed by two deflection elements of which a first deflection element is provided on the end-side annular segment, viewed in the direction of the longitudinal axis of the stent, and a second deflection element is provided on the adjacent annular segment (10'').

6. Referring to claim 9, Giantureo et al. discloses wherein guide elements are provided in the support frame (Fig. 3 shows that multiple guide elements can be added to the support frame).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giantureo et al. in view of Landau et al. (US 20020058986). Giantureo et al. does not expressly disclose the connector consisting of a material visible in x-rays. Landau et al. teaches a stent in the same field of endeavor with connectors that may be formed from a radiopaque material for the purpose of allowing the connector to be used as a marker. Therefore it would have been obvious to a person of ordinary skill in the art at the time

Art Unit: 3738

of the invention to modify the connectors of Giantureo et al. to include radiopaque material in order to allow the connector to be used as a marker (paragraph 164).

9. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giantureo et al. in view of Cox (US Patent No. 6, 375,676). Referring to claims 10-11, Giantureo et al. discloses annular strut segments but does not expressly disclose the annular segments being connected by connector struts or that the each connector strut connects to a longitudinal section aligned to a U shaped strut pattern. Cox teaches in the same field of endeavor a tubular stent wherein the annular segments are formed by struts that follow one another in an endless, corrugated manner (Fig. 9) and that adjacent annular segments are coupled by connector struts (13) and wherein each connector strut comprises a longitudinal section running substantially parallel to the longitudinal axis of the stent (76) and comprises a strut section aligned transversely to the latter and configured in a U shape (74) for the purpose of providing an even distribution of forces on the stent. Therefore it would have been obvious to a person of ordinary skill in the art to have the annular segments being connected to a connector with a longitudinal section aligned to a U shaped strut pattern as taught in Cox in order to allow for the even distribution of forces on the stent.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIFFANY SHIPMON whose telephone number is

Art Unit: 3738

(571)270-1448. The examiner can normally be reached on Monday thru Friday, 8AM-5 PM, Est., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. S./

Examiner, Art Unit 3738

/Corrine M McDermott/

Supervisory Patent Examiner, Art Unit 3738